

Message Text

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DRAFTED BY EUR/EE:RACHRISTENSEN/LVA

APPROVED BY EUR/EE:CBROWN

COMMERCE-BEWT:APLANAGAN

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R 132105Z NOV 75

FM SECSTATE WASHDC

TO AMEMBASSY BUCHAREST

UNCLAS STATE 269324

E.O. 11652: N/A

TAGS: BDIS,RO

SUBJECT: TRADE COMPLAINT: HARLOW AND JONES -
METALIMPORTEEXPORT

1. HARLOW AND JONES (HJ) OF STAMFORD, CONNECTICUT HAS ASKED FOR ASSISTANCE IN TRADE DISPUTE WITH METALIMPORTEEXPORT CONCERNING IMPORT OF ABOUT \$4 MILLION WORTH OF STEEL PURCHASED FROM ROMANIA. PORTION OF STEEL HAS BEEN LOADED ON VESSEL CHARTERED BY HJ AND IS EN ROUTE TO US. IN VIEW OF POOR CONDITION OF STEEL WHICH APPARENTLY HAD NOT BEEN PROPERLY STORED, CAPTAIN OF VESSEL WOULD NOT SIGN CLEAN BILL OF LADING TO PERMIT PAYMENT ON LETTER OF CREDIT WHICH HJ HAD OPENED. ROMANIANS IN TURN REFUSE TO DELIVER DOCUMENTS TO HJ TO PERMIT THEM TO TAKE TITLE WHEN VESSEL ARRIVES IN US. HJ HAS BEEN ADVISED THAT METALIMPORTEEXPORT IS NOW SELLING CARGO TO OTHER CUSTOMERS IN US. IF TRUE, HJ WILL NOT BE ABLE TO DELIVER AND FULFILL ITS CONTRACTUAL OBLIGATIONS. ROMANIANS INSIST THAT HJ AGREE TO CLEAN BILL OF LADING AND FILE CLAIM LATER IF STEEL IS NOT IN ACCEPTABLE CONDITION. HJ RELUCTANT TO AGREE SINCE IT FEARS THIS WOULD RESULT IN METALIMPORTEEXPORT RECEIVING FUNDS IMMEDIATELY WHILE HJ WOULD HAVE NO ASSURANCE OF RECEIVING PAYMENT ON CLAIM.

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2. DEPARTMENT OFFICER STATED WE WOULD ASK COMMERCIAL ATTACHE TO DISCUSS CASE WITH METALIMPORTEEXPORT TO DETERMINE WHETHER THERE MAY BE MEANS OF RESOLVING THIS ISSUE. ALSO REFERRED HJ TO US-ROMANIAN ECONOMIC COUNCIL TO DETERMINE WHETHER PRE-ARBITRAL CONCILIATION MIGHT BE OF USE IN THIS SITUATION. HJ SAYS FORMAL ARBITRATION IS PROVIDED FOR IN CONTRACT, BUT IT IS RELUCTANT TO TAKE THIS STEP UNTIL OTHER POSSIBILITIES INVESTIGATED.

3. REQUEST EMBASSY DISCUSS THIS PROBLEM WITH METALIMPORT-EXPORT AND REPORT. KISSINGER

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